CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139 www.miamibeachfl.gov



City Clerk's Office

Telephone 305-673-7411 Facsimile 305-673-7254

Board Liaison Personnel

Jean Olin, Deputy City Attorney

Maria E. Martinez, Assistant City Clerk

Liliam R. Hatfield, Secretary to City Clerk

Robert E. Parcher, City Clerk

CITY CHARTER REVIEW BOARD Minutes of April 9, 2003 Meeting

Board Members in attendance:

Chairman Steve Zack, Esq. Vice-Chair Jonathan Beloff, Esq. Ricky Arriola, Esq. Victor Diaz, Esq Honorable Seymour Gelber, Esq Larry Herrup, CPA

Meeting called to order at 5:45 p.m.

I. APPROVAL OF MINUTES

Board members unanimously agreed that the draft minutes of the March 18, 2003 meeting would be submitted in the April 23 meeting agenda for approval. Motion made by Member Diaz; seconded by Member Herrup. Vote: 6-0 Absent Member Laeser.

II. PRELIMINARY PROCEDURAL MATTERS

A) Changing Status of Board from Ad Hoc to Permanent/Standing

Pursuant to the request of Chairman Zack, discussion was held regarding the issue of enlarging the Board's scope of review to include the City's Related Special Acts and City Code, as well as the City Charter. Chairman Zack further raised the issue of changing the Board status from ad hoc to a permanent, standing Roard

ACTION: Motion by Member Diaz; seconded by Vice-Chair Beloff, to have the City Attorney prepare a resolution of the Charter Review Board (CRB) to present to the City Commission at its April 30th meeting requesting enlargement of scope of review of CRB -- the issue of changing the Board from ad hoc to a permanent, standing Board was tabled, pending completion of the present members' terms. Vote: 6-0. Absent Member Laeser.

B) Advertising

ACTION: Motion made by Member Diaz; seconded by Member Herrup to have City Attorney prepare a notice of procedures adopted by the CRB related to the CRB submission of issues process (as set forth above in II(D) hereinbelow). This notice is to be included in the City water bills' mailing, Channel 20, and mailed to homeowners associations and civic organizations. Public meetings are to be further advertised and posted on the website. Vote: 6-0. Absent: Member Laeser.

ACTION: Motion made by Member Diaz; seconded by Vice-Chair Beloff, to send a Resolution to the City Commission to allocate sufficient funds so as to place advertisements in the Miami Herald local Neighbors section, The SunPost and one Spanish newspaper, explaining Board procedures, schedule of public meetings, and agenda. Vote: 5-1. Opposed: Member Arriola. Absent: Member Laeser.

Amendment: Member Herrup offered an amendment to the motion requesting the City Manager to appropriate interim funds for advertisement of public notices for the April 23rd, 2003 CRB meeting (until the April 30th, 2003 City Commission consideration of resolution.) Amendment accepted by Member Diaz.

C) Schedule of Meetings

ACTION: Motion made by Vice-Chair Beloff; seconded by Member Arriola to change the location of April 23rd, 2003 meeting from the Commission Chambers to the Mayor's Conference Room, with the May 6th, 2003, May

13th, 2003 and May 29th, 2003 meetings to be televised in the Commission Chambers. Vote: 6-0. Absent: member Laeser.

M:\\$CMB\CITYCLER\CHARTER\03April 9, 2003\April 9, 2003 meeting minutes.doc

D) 1.) Preliminary Process re: Issue Consideration

ACTION: Motion made by Member Diaz; seconded by Vice-Chair Beloff to require a preliminary vote of a majority of the CRB prior to the CRB's discussion of any issue-- this motion was amended by Member Gelber to substitute 3 votes of the Board instead of majority Board vote. Amendment accepted. Vote: 6-0. Absent: Member Laeser.

ACTION: Motion made by Member Herrup; seconded by Vice-Chair Beloff, that supermajority vote (5/7th)of Board be required in order to submit any Board recommendation to the City Commission. Vote: 4-2. Opposed: Members Arriola and Diaz. Absent: Member Laeser.

2.) Preliminary Vote re: Issue Consideration

Pursuant to the Board's process (set forth in II(D)1 above), the following action was taken:

a) Issues to be discussed:

- Change runoff election date from one (1) week after general election, to two (2) weeks after general election.
 - 3 VOTES: Vice-Chair Beloff, Members Arriola and Diaz.
- Establish residence durational requirement (prior to qualifying for office) for Commission candidates. (This proposal also suggests residence requirement for elected officers during term of office.)
 - 3 VOTES: Vice-Chair Beloff, Members Diaz and Herrup.
- Change form of government from City Manager to "Strong Mayor."
 VOTES: Members Arriola, Gelber and Herrup.
- Increase Mayor's term of office from two (2) to four (4) years.
 4 VOTES: Vice-Chair Beloff, Members Arriola, Diaz and Herrup.
- Authorize telephonic participation of board members.
 3 VOTES: Chairman Zack, Vice-Chair Beloff and Member Herrup.
- Amend Citizen's Bill of Rights to include language expressing citizens' right to be free of all forms of discrimination, including that based upon sexual orientation.
 - --Expand the Citizen's Bill of Rights relative to diversity and assurance of equal opportunity for every resident. In addition, and for definition purposes, suggest the following anti-discrimination language: "Discrimination shall mean violations of civil rights on account of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partners status, gender identity, parental status, other non-merit factors, or any category provided for by ordinance."
 - 3 VOTES: Vice-Chair Beloff, and Members Diaz and Herrup.
- Amend Citizen's Bill of Rights to include specific language which will ensure requirements of the Sunshine Law (possibly identifying which meetings shall be public, etc).
 3 VOTES: Members Arriola, Diaz and Herrup.

- Review of City Charter Section 1.03 (b) regarding referendum requirement prior to disposition of City-owned waterfront property.
 - 3 VOTES: Vice-Chair Beloff, Members Arriola and Diaz.
- Review of City Charter Section 1.03 (c) regarding referendum requirement prior to increase in Floor Area Ratio ("FAR") of certain waterfront property.
 - 4 VOTES: Vice-Chair Beloff, Members Arriola, Diaz and Herrup.
- Reforming duties and obligations of Mayor and City Commissioners, i.e.: increasing salaries of elected officials with corresponding prohibition on lobbying City after leaving City service.
 3 VOTES: Vice-Chair Beloff, Members Arriola and Diaz.
- Review of general election/runoff dates—changing election dates from odd-numbered years to even-numbered years for purposes of achieving greater voter turnout.
 4 VOTES: Chairman Zack, Vice-Chair Beloff, and Members Diaz and Herrup.
- Delete City Charter Section 2.03 "Powers of Commission" granting the Commission power to issue subpoenas.
 - 3 VOTES: Vice-Chair Beloff, Members Arriola and Herrup.
- Amend section 2 of the City's Special Related Acts so as to increase CMB Zoning Board of Adjustment from 5 to 7 members, and to change provision requiring 5/7 vote of City Commission for appointment of ZBA members to 4/7 vote. (This issue was referred to the CRC by the City Commission at its March 19, 2003 meeting, and is subject to expansion of CRC jurisdiction to be considered by the Commission at its April 30, 2003 meeting.) 3 VOTES: Vice-Chair Beloff, Members Diaz and Herrup.
- Establish conflict of interest provisions and provide for penalties:
 - (a) "Conflict of Interest"- All elected officials, officers and employees of the City of Miami Beach shall be subject to all state laws and City ordinances proscribing conflicts of interest and incompatible activities. Any violation of such laws shall be official misconduct and shall for discipline and/or removal, in addition to any other penalties

be a basis

or

prescribed by law."

- (b) "Penalty for Official Misconduct- Any person found guilty of official misconduct shall forfeit his or her office, and shall be forever after disbarred and disqualified from being elected, appointed employed in the service of the City."
- (c) "Official Misconduct Defined- Any wrongful behavior by a public officer in relation to the duties of his or her office, willful in its character, including any willful or corrupt failure, refusal or neglect of an officer to perform any duty enjoined on him or her by law, or conduct that falls below the standard of decency, good faith and right action impliedly required of all public officers".

 4 VOTES: Chairman Zack, Vice-Chair Beloff, Members Diaz and Herrup.
- Establish procedures for "Customer Service Plan", as adopted by the City of San Francisco, reading substantially as follows:
 - "Each Department of the City shall adopt an annual Customer Service Plan, in a format to be determined by the City Commission by ordinance. The Commission may excuse a Department from particular requirements of the ordinance where compliance would be inappropriate or impractical. Each Department shall file its Customer Service Plan with the City Commission no later than January
- of each year, along with a report on how the Department met the previous year's Plan, if any." 3 VOTES: Vice-Chair Beloff, Members Diaz and Herrup.
- Amend Charter provision concerning "Power of City Manager" so as to delete requirement that City Commission confirm the appointment of department directors.
 3 VOTES: Vice-Chair Beloff, Members Diaz and Herrup.

- Amend Citizen's Bill of Rights to include language regarding "Natural resources and scenic beauty".
 - 4 VOTES: Chairman Zack, Vice-Chair Beloff, Members Diaz and Herrup.

b) <u>Issues not accepted for discussion (no votes received):</u>

- District representation elect Commissioners by district
- South Pointe/City Center RDA's separate & independent RDA Board
- Amending Citizen's Bill of Right re: right to be heard—(Deputy City Attorney Olin to contact issue proponent Dr. Sunshine to inquire further)
- Election process re: paper ballots

III. MISCELLANEOUS

Motion made by Member Diaz; seconded by Member Herrup to nominate Vice-Chair Beloff to form a subcommittee of one for the purpose of drafting recommended grouping of issues for discussion to be voted upon by the Board for approval. Vote: 6-0. Absent: Member Laeser.

IV. ADJOURNMENT

Meeting adjourned at 7:45 p.m.

The next meeting is scheduled for April 23, 2003 at 5:30 p.m. in the Mayor's Conference Room.

Attachment: Sign-In Sheet

Minutes approved April 23, 2003

REP:JO/lh